

TOWN OF PARACHUTE, COLORADO
RESOLUTION NO. 2016-11

A RESOLUTION OF THE BOARD OF TRUSTEES OF THE TOWN OF PARACHUTE, COLORADO CONCERNING THE WEST RUN, INC. ANNEXATION PETITION.

WHEREAS, in January 2016, West Run, Inc. filed with the Town Clerk of the Town of Parachute, Colorado, a petition and request that the Board of Trustees commence proceedings to annex to the Town of Parachute a certain unincorporated tract of land located in the County of Garfield, State of Colorado, described on Exhibit A, attached hereto and incorporated herein by reference (the "Annexation Parcel");

WHEREAS, the Board of Trustees, by Resolution No. 2016-06, found that the Petition is in substantial compliance with the requirements of the Municipal Annexation Act and established a date, time, and a place for a hearing upon the Petition;

WHEREAS, notice of such hearing was published on February 15, February 24, March 2, March 9, and March 14, 2016 in the *Post Independent* newspaper;

WHEREAS, the public hearing on the Petition was held on March 17, 2016 at a regularly scheduled meeting of the Board of Trustees, and at such hearing any person permitted to appear pursuant to C.R.S. § 31-12-109(1) had the opportunity to appear and present evidence upon any matter determined by the Board of Trustees; and

WHEREAS, the Board of Trustees finds and determines that the hearing upon the Petition is now complete.

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF TRUSTEES OF THE TOWN OF PARACHUTE, COLORADO THAT:

Section 1. The foregoing recitals are incorporated herein as if set forth in full.

Section 2. Pursuant to C.R.S. §§ 31-12-108 and -110, the Board of Trustees makes the following findings of fact, determinations, and conclusions:

FINDINGS OF FACT, DETERMINATIONS AND CONCLUSIONS

1. The City incorporates the foregoing recitals as findings and determinations by the Board of Trustees, and conclusively makes all of the Findings of Fact, Determinations and Conclusions contained herein.

2. For the Annexation Parcel, the Town staff has determined, and the Board of Trustees so finds, that the landowners of one hundred percent (100%) of the Annexation Parcel to be annexed, excluding public streets and alleys, signed and filed the Petition requesting the annexation to the Town of the Annexation Parcel described in the Petition.

3. The Petition is accompanied by four (4) or more copies of the Annexation Map which contains, among other things, the information required by C.R.S. § 31-12-107(1)(d).

4. For the Annexation Parcel, the requirements of C.R.S. § 31-12-104, as amended, exist or have been met, including without limitation the following:

- A. Not less than one-sixth (1/6th) of the perimeter of the Annexation Parcel is contiguous with the Town.
- B. A community of interest exists between the Annexation Parcel and the Town.
- C. The Annexation Parcel is urban or will be urbanized in the near future.
- D. The Annexation Parcel is integrated with or is capable of being integrated with the Town.

5. For the Annexation Parcel, the requirements of C.R.S. § 31-12-105, as amended, exist or have been met, including without limitation the following:

- A. In establishing the boundaries of the area proposed to be annexed, no land held in identical ownership, whether consisting of one tract or parcel of real estate or two or more contiguous tracts or parcels of real estate:
 - (1) has been divided into separate parts or parcels without the written consent of the landowner or landowners thereof unless such tracts or parcels are separated by a dedicated street, roadway, or other public way; or
 - (2) comprising twenty (20) acres or more (which together with buildings and improvements situated thereon having a valuation for assessment in excess of \$200,000.00 for ad valorem tax purposes for the year preceding the proposed annexation) has been included without the written consent of the landowners.
- B. No annexation proceedings have been commenced for the annexation to a municipality other than the Town of all or part of the Annexation Parcel.
- C. The annexation proposed in the Petition will not result in the detachment of area from any school district and the attachment of the same area to another school district.

- D. The annexation proposed in the Petition will not have the effect of extending the municipal boundary of the Town more than three (3) miles in any direction from any point on the current municipal boundary of the Town.
- E. The Town has previously prepared and adopted a plan meeting the requirements of C.R.S. § 31-12-105(e).
- 6. No election is required under C.R.S. §§ 31-12-112 and -107(2) for the Annexation Parcel, as no additional terms or conditions are to be imposed upon the owners of property not otherwise agreed to by such owners.
- 7. The signer of the Petition is the sole owner of one hundred percent (100%) of the area proposed to be annexed, exclusive of public streets and alleys.
- 8. The annexation to the Town of the Annexation Parcel will not result in a change of county boundaries.
- 9. No election for annexation of the area proposed to be annexed to the Town has been held in the preceding twelve (12) months.
- 10. The names and mailing address of the signer of the Petition and dates of signing are included in the Petition, and the legal description of the land owned by such petitioner is attached to the Petition. No signature on the Petition is dated more than 180 days prior to the date of filing of the Petition for annexation with the Town Clerk.
- 11. No area of the Annexation Parcel proposed to be annexed to the Town is presently a part of any incorporated city, city and county, or town, and is not contiguous to any other incorporated city, city and county, or town.
- 12. It is desirable and necessary that the Annexation Parcel described on Exhibit A be annexed to the Town.
- 13. The Board of Trustees determines that Annexation Parcel is eligible for Annexation.

Section 3. The Resolution does not have the effect of annexing the Annexation Parcel. The Board of Trustees determines that Annexation Parcel is eligible for Annexation and, therefore the Annexation Parcel may be annexed by Ordinance. Annexation of the Annexation Parcel shall only be effective upon the Board of Trustees adopting an annexing ordinance and compliance with C.R.S. § 31-12-113.

INTRODUCED, PASSED, ADOPTED, AND APPROVED by a vote of 6 to 0 of the Board of Trustees of the Town of Parachute, Colorado at a regular meeting held at Town Hall in the Town of Parachute, Colorado, on the 17th day of March, 2016 and approved by the Mayor on the 17th day of March, 2016.



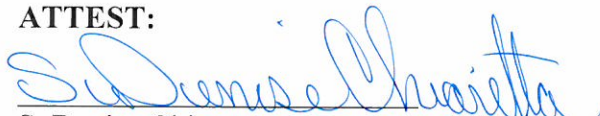
**BOARD OF TRUSTEES OF THE
TOWN OF PARACHUTE, COLORADO**

By



Roy B. McClung
Mayor

ATTEST:



S. Denise Chiaretta
Town Clerk